CHAPTER 59.

An Act to provide for the acquisition by the Secretary of State for Air of certain land in Middlesex, and for the stopping up of certain highways in Middlesex and Surrey; to confirm an agreement between the Mayor and Commonalty and Citizens of the City of London and the Secretary of State for Air relating to the extension of the site of Kenley Aerodrome; and for purposes connected with the matters aforesaid.

[4th August 1939.]

WHEREAS the Secretary of State for Air (hereinafter referred to as "the Secretary of State") proposes to extend the site of the aerodrome situated in the borough of Heston and Isleworth in the county of Middlesex and known as Heston Airport (hereinafter referred to as "Heston Airport") and the site of the aerodrome situated in the urban district of Coulsdon and Purley in the county of Surrey and known as Kenley Aerodrome (hereinafter referred to as "Kenley Aerodrome"):

And whereas it is expedient for the purposes of the extension of the site of Heston Airport that the Secretary of State should acquire certain lands and should stop up certain roads and a certain footpath in the said borough of Heston and Isleworth:

And whereas by an agreement made on the seventeenth day of November nineteen hundred and twenty-one between the Mayor and Commonalty and Citizens of the City of London (hereinafter referred to

as " the Corporation ") of the one part and the President of the Air Council of the other part with respect to the acquisition by the President of the site of Kenley Aerodrome it was provided that a certain road crossing the said site should at all times be kept open to the public :

And whereas the said agreement was sanctioned by the Air Ministry (Kenley Common Acquisition) Act, 1922, and it was thereby provided that the agreement should have effect as if enacted in that Act :

And whereas it is expedient for the purposes of the extension of the site of Kenley Aerodrome that the Secretary of State should have power to stop up so much of the said road as crosses the said site and to stop up part of another road situated in the said urban district of Coulsdon and Purley :

And whereas plans showing the said lands in the borough of Heston and Isleworth to be acquired by the Secretary of State under this Act (which lands are hereinafter referred to as " the Heston lands ") and showing the said roads and the said footpath in that borough and the said roads in the said urban district of Coulsdon and Purley to be stopped up, with a book of reference to the said plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the said lands and of the said roads and of the said footpath, have been deposited with the respective clerks of the county councils of the administrative counties of Middlesex and Surrey (which plans and book of reference are hereinafter respectively referred to as " the deposited plans " and " the deposited book of reference ") :

And whereas the agreement set out in the First Schedule to this Act (hereinafter called the " Kenley agreement ") was made on the eleventh day of April nineteen hundred and thirty-nine between the Corporation of the one part and the Secretary of State of the other part, with respect to the conveyance to the Secretary of State by the Corporation of certain land in the said urban district of Coulsdon and Purley and the conveyance to the Corporation by the Secretary of State of certain other land in the said urban district, with respect to the construction by the Secretary

of State of a new road in the said urban district, and with respect to the stopping up of the parts of the said roads in the said urban district hereinbefore referred to :

And whereas the Kenley agreement is subject to the sanction of Parliament being obtained thereto so far as such sanction is necessary for enabling the provisions thereof to be carried into effect :

And whereas it is expedient that the Kenley agreement should be sanctioned and that provision should be made for the purpose of giving effect thereto :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Power to acquire Heston lands.

1.—(1) Subject to the provisions of this Act, the Secretary of State may, for the purposes of the extension of Heston Airport, acquire any of the Heston lands.

(2) The power to purchase land compulsorily shall cease on the first day of October nineteen hundred and forty-two.

Incorporation of Lands Clauses Acts.

2. The Lands Clauses Acts are hereby incorporated with this Act subject to the provisions of this Act and in particular to the following modifications, that is to say :—

(*a*) the provisions relating to the sale of superfluous land and access to the special Act and section one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845 (relating to land tax and poor rate) shall not be incorporated with this Act; 8 & 9 Vict. c. 18.

(*b*) in the construction of this Act and the Lands Clauses Acts, this Act shall be deemed to be the special Act and the Secretary of State shall be deemed to be the promoter of the undertaking;

(*c*) at any time after notice to treat has been served, the Secretary of State may, after giving not less than fourteen days' notice to the owner, lessee or occupier of the land, enter on and take possession of the land specified in the

notice without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, but subject to the payment of the like compensation for the land of which possession is taken, and interest on the compensation awarded, as would have been payable if those provisions had been complied with.

Compensation in cases of recently altered buildings.

3. In determining any question of disputed purchase money or compensation under this Act, no allowance shall be made on account of any improvement or alteration effected, or interest created, after the eighteenth day of April nineteen hundred and thirty-nine, which, in the opinion of the tribunal to whom the question is submitted, was not reasonably necessary or was effected or created with a view to obtaining or increasing compensation.

Correction of errors in deposited plans or book of reference.

4.—(1) If there is any omission, misstatement or wrong description in the deposited plans or the deposited book of reference of any of the Heston lands or of the owners, lessees or occupiers thereof, the Secretary of State, after giving ten days' notice to the owners, lessees and occupiers of the lands in question, may apply to two justices having jurisdiction in the place in which the lands are situated for the correction thereof.

(2) If on any such application it appears to the justices that the omission, misstatement or wrong description arises from mistake, the justices shall certify the fact accordingly and shall in their certificate state the particulars of the omission and in what respect any matter is misstated or wrongly described.

(3) Any such certificate or a copy thereof shall be deposited with the clerk of the county council of the administrative county of Middlesex and with the town clerk of the borough of Heston and Isleworth, and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Secretary of State to acquire the lands in accordance with the certificate.

(4) Any certificate or copy deposited under this section with the clerk and the town clerk as aforesaid shall be kept by each of them respectively with the other documents to which it relates.

For protection of Rector of Cranford.

5. The following provisions for the protection of the Rector of the parish of Cranford (hereinafter referred to as "the Rector") shall unless otherwise agreed in writing between the Rector and the Secretary of State apply and have effect, that is to say :—

(1) The Secretary of State shall as soon as practicable acquire and convey to the Rector free of charge a substituted site in the parish of Cranford approximately three acres in extent and suitable for the erection thereon of a parsonage house with garden attached. Any question between the Rector and the Secretary of State as to whether any proposed substituted site is suitable shall be determined by an arbitrator appointed on the application of either party by the President of the Chartered Surveyors' Institution.

(2) The compensation to be paid to the Rector in respect of the acquisition by the Secretary of State of the existing parsonage house and garden attached thereto shall be such sum as may be agreed, or as failing agreement may be determined by an official arbitrator, to be the cost to the Rector of constructing on the substituted site a parsonage house as nearly as may be equivalent to the existing parsonage house and laying out the garden thereon.

Confirmation of Kenley agreement. 41 & 42 Vict. c. cxxvii. 12 & 13 Geo. 5. c. 40.

6.—(1) The Kenley agreement is hereby sanctioned and shall have effect as if enacted in this Act, and the Secretary of State and the Corporation, notwithstanding anything in the Corporation of London (Open Spaces) Act, 1878, or the Air Ministry (Kenley Common Acquisition) Act, 1922, shall have, and shall be deemed always to have had, all such powers as may be necessary for giving effect to the agreement.

(2) Any land or rights acquired by the Corporation under the Kenley agreement shall be deemed to be land or rights acquired by them under and for the purposes of the Corporation of London (Open Spaces) Act, 1878, and the provisions of that Act shall apply to the land or rights accordingly.

Stopping up of roads at Heston an Kenley.

7.—(1) As soon as the Secretary of State has entered on and taken possession of (whether by virtue of the exercise of the powers conferred on him by this Act, in pursuance of the provisions of the Kenley agreement, or by virtue of any previous acquisition)—

(*a*) the land situated on both sides of any road, part of a road, or footpath in the borough of Heston and Isleworth specified in Part I of the Second Schedule to this Act;

(*b*) the land situated on both sides of either of the parts of roads in the urban district of Coulsdon and Purley specified in Part II of that Schedule;

he shall have power to stop up the road, part of the road, or footpath, as the case may be, bounded by the land of which he has taken possession as aforesaid, and upon any exercise of that power the land forming the road, part of the road or footpath, as the case may be, stopped up shall vest in the Secretary of State, and all rights of laying down or continuing any pipes, mains, sewers, drains, electric wires or cables or other apparatus in, over or under, and all rights of way over, the road, part of the road or footpath, as the case may be, shall, except as may be otherwise agreed between the Secretary of State and any other person entitled to exercise any such right, be extinguished.

(2) Subsection (2) of section two of the Air Ministry (Kenley Common Acquisition) Act, 1922, is hereby repealed.

Land tax.

8.—(1) As from the date on which any lands are acquired by, or vested in, the Secretary of State under, or for the purposes of, this Act, any land tax chargeable on those lands shall be deemed to have been redeemed, and the lands shall be deemed to have been exonerated from the said tax, in accordance with the provisions of the enactments relating to the redemption of land tax, so, however, that nothing in this subsection shall affect the liability of any occupier of those lands in respect of any land tax assessed thereon which has become payable before the date aforesaid.

(2) The Commissioners of Inland Revenue shall grant a certificate of exoneration of assessment to land tax in respect of any lands acquired by, or vested in, the

Secretary of State under or for the purposes of this Act, and the certificate shall be registered by the officer appointed for the registry of contracts for the redemption of land tax.

Expenses of Secretary of State for Air.

9. The expenses of the Secretary of State under this Act and the Kenley agreement shall be defrayed out of moneys provided by Parliament.

Saving of powers of Secretary of State and Corporation.

10. The powers conferred on the Secretary of State and the Corporation by this Act shall be in addition to and not in derogation of any other powers of the Secretary of State and of the Corporation.

Short title.

11. This Act may be cited as the Air Ministry (Heston and Kenley Aerodromes Extension) Act, 1939.

SCHEDULES.

Preamble.

FIRST SCHEDULE.

KENLEY AGREEMENT.

AN AGREEMENT made the eleventh day of April one thousand nine hundred and thirty-nine between the mayor and commonalty and citizens of the city of London (hereinafter referred to as "the Corporation") of the one part and the Secretary of State for Air (hereinafter referred to as "the Secretary of State") which expression shall where the context so admits include his successors and assigns of the other part.

WHEREAS an Agreement (hereinafter called "the Agreement of 1921") dated the Seventeenth day of November One thousand nine hundred and twenty-one was made between the Corporation and the President of the Air Council (therein and hereinafter referred to as "the President") with respect to the acquisition by the President of certain land in the Parish of Coulsdon in the County of Surrey (hereinafter referred to as "the aerodrome site") and the conveyance to the Corporation of certain other land in substitution therefor:

And whereas the Agreement of 1921 was expressed to be binding on the successors (of whom the Secretary of State is one) of the President:

And whereas it was provided by the Agreement of 1921 that the aerodrome site should be conveyed to the President subject to the conditions and stipulations mentioned in the Second Schedule thereto and subject also to the rights inter alia of the general public over the main road to Caterham southwards from its junction with the southerly boundary of Ordnance Plot No. 287D as shown on the plan annexed thereto and it was one of such conditions and stipulations that the President should at all times keep open to all traffic as at present the main road to Caterham so far as the same crossed the aerodrome site:

1ST SCH. —*cont.*

And whereas the Agreement of 1921 was subject to the sanction of Parliament being obtained thereto:

And whereas by the Air Ministry (Kenley Common Acquisition) Act 1922 the Agreement of 1921 was sanctioned and it was provided that it should have effect as if enacted in that Act and that the President and the Corporation should have and should be deemed to have had all such powers as might be necessary in order to give effect thereto:

And whereas the hereinbefore recited Act provided inter alia that nothing in section two thereof should authorise the President to stop up or to divert or to extinguish any right of way over the main road to Caterham (known as Hayes Lane) so far as the same crossed the aerodrome site:

And whereas it is now desired to extend the aerodrome site the boundaries of which are indicated on the attached plan by a red verge by the inclusion of the land coloured pink and by the diversion of the said road known as Hayes Lane between the points marked on the said plan A and B to the route coloured brown and green on the said plan:

And whereas the land coloured red hatched black and cross hatched in black on the said plan is vested in the Secretary of State subject to a condition that it shall in certain events revert to the Corporation as provided in the Agreement of 1921:

And whereas the land coloured pink, brown and blue on the said plan is vested in the Secretary of State free from any such condition for reverter:

And whereas the portion of Hayes Lane hereinbefore referred to is the portion of the main road to Caterham referred to in the Agreement of 1921 and in section two of the Act hereinbefore recited:

And whereas in consideration of the Corporation agreeing to the diversion of Hayes Lane as hereinbefore recited and further agreeing to convey to the Secretary of State certain land forming part of Coulsdon Common and vested in the Corporation which land is coloured green on the said plan the Secretary of State has agreed to construct a new road on the land coloured brown and green on the said plan in substitution for the road proposed to be closed as hereinbefore recited and to dedicate such road to the public and to convey free of all cost to the Corporation the land coloured blue on the aforesaid plan and to the intent that such land should become part of Coulsdon Common and to grant to the Corporation the option hereinafter contained over the land coloured pink on the said plan.

1ST SCH. —*cont.*

Now it is hereby agreed as follows :—

1. This Agreement is subject to the sanction of Parliament being obtained hereto as hereinafter mentioned so far as such sanction shall be necessary to enable the provisions hereof to be carried into effect and in the event of the sanction of Parliament not being obtained within eighteen months of the date hereof this Agreement shall be null and void and of no effect and any expenses which the Corporation have incurred shall be discharged by the Secretary of State.

2. The Corporation hereby agree so far as they lawfully can and may (1) to the closing of that part of the main road to Caterham known as Hayes Lane lying between the points marked A and B on the said plan and (2) to convey to the Secretary of State subject to any existing rights of the public over or in respect thereof the land coloured green on the said plan.

3. In consideration of the foregoing the Secretary of State undertakes in all respects at the expense of the Secretary of State (1) to construct a new road in substitution for the road to be closed as aforesaid (2) to take all such steps as may be necessary for the promotion of the necessary legislation to obtain the sanction of Parliament to this Agreement and to the doing of all such things as may be necessary for the carrying out of the same and submit to the Corporation for approval the draft of any Bill in Parliament (3) to construct the new road to the satisfaction of the appropriate Highway Authority on the land coloured brown and green on the said plan and to dedicate the said road as a public highway repairable by the inhabitants at large and (4) to convey to the Corporation the land coloured blue on the said plan in exchange for the land coloured green aforementioned.

4. The conditions concerning public access to the aerodrome site contained in Clause 4 of the Second Schedule to the Agreement of 1921 shall apply to the whole of the aerodrome site as extended by the inclusion of the area bounded by the route coloured brown and green on the said plan and facilities for such access shall be maintained by and at the expense of the Secretary of State at the points marked A and B on the said plan.

5. The reversionary interests of the Corporation in the aerodrome site (including the land coloured red hatched black and cross hatched in black on the said plan) provided for in Clause 2 of the Agreement of 1921 and (in case of reverter of the aerodrome site) the rights of the Corporation to access over the site of Hayes Lane north of the point B on the said plan to the aerodrome site and the option to purchase from the Secretary of State the land to the east of the Aerodrome site granted to the Corporation under a deed dated Twenty-first June One thousand nine hundred and twenty-eight and made between The President of the Air

Council of the one part and the Corporation of the other part shall not be prejudiced or affected by this Agreement but the provisions of the said deed relating to the granting of access to Hayes Lane aforesaid and to the right to lay sewers and other like rights shall become void and of no effect if and as soon as the said road is diverted as hereinbefore provided. 1ST SCH. —*cont.*

6. For the consideration herein contained the Secretary of State will grant to the Corporation an option to purchase as an addition to Kenley Common the land coloured pink on the said plan such option to be exercised within twelve months from the time when in the opinion of the Secretary of State such land is no longer required by him for the purposes of the Secretary of State or any Government Department and he shall have so notified the Corporation at the same price as that paid by the Secretary of State for the purchase of such land which price shall be deemed to include the amount of all interest fees and costs paid by him on the occasion of such purchase.

7. The title to the land coloured green on the said plan to be conveyed to the Secretary of State by the Corporation shall commence with the Deed of Conveyance dated the Fifth day of February One thousand eight hundred and eighty-three between Edmund Byron of the one part and the Corporation of the other part and the Secretary of State shall not require the production of any document relating to or investigate or make any requisition or objection in respect of the prior title whether such document shall appear to be in the Corporation's possession or power or not and shall assume without further proof that the Corporation are seised in fee simple for the purposes of the Corporation of London (Open Spaces) Act 1878 but otherwise free from incumbrances.

8. The land coloured blue on the said plan and the land coloured pink on the said plan if the aforesaid option in respect thereof is exercised by the Corporation shall when vested in the Corporation be held by the Corporation for the purposes of a common or open space under the Corporation of London (Open Spaces) Act 1878 and the Acts incorporated therewith.

9. The Secretary of State shall convey the land coloured blue on the said plan to the Corporation in his official capacity and the Corporation shall upon production to them of the Conveyance of the said substituted lands to the Secretary of State, admit without investigation objection requisition or inquiry of any kind the title of the Secretary of State to the fee simple of the land coloured blue on the said plan and also his power to convey the same to the Corporation and that everything has been done to enable him to convey the same to the Corporation and no abstract of the Secretary of State's title shall be given or required and the conveyance shall contain the usual acknowledgment of the right of the Corporation to production of any document of title relating

1ST SCH. —*cont.*

to the said substituted lands and to delivery of copies thereof and an undertaking for safe custody thereof.

10. The conveyances of the lands coloured blue and green on the said plan shall be completed at the office of the Treasury Solicitor at Storey's Gate in the City of Westminster within six calendar months from the date of the sanction of Parliament being obtained as hereinbefore mentioned and up to the date of completion the Corporation and the Secretary of State shall respectively discharge all outgoings in connection therewith such outgoings to be apportioned if necessary.

11. The costs of the Corporation including fees to Counsel of and incidental to the negotiations for the preparation and execution of this Agreement and of the carrying the same into effect (including the costs of the conveyances of the lands to be conveyed) and the costs of the Corporation in connection with the said Bill in Parliament shall be paid by the Secretary of State such costs in case of dispute to be taxed in the usual way. The provisions of this clause shall not be affected by this Agreement becoming void and of no effect.

Examined

V. CROWTHER-SMITH
Comptroller.

Seal of the Corporation of the City of London.

Signed Sealed and Delivered on behalf of the Secretary of State for Air by the Under-Secretary of State for Air pursuant to Section 26 (4) of the Air Navigation Act, 1936, in the presence of :—

HAROLD H. BALFOUR. L.S.

N. V. MEERES,
Air Ministry, London.
Civil Servant.

SECOND SCHEDULE.

Section 7.

ROADS, &C. TO BE STOPPED UP BY THE SECRETARY OF STATE.

PART I.

ROADS, PARTS OF ROADS AND FOOTPATHS IN THE BOROUGH OF HESTON AND ISLEWORTH.

The roads known as Southall Lane, Barrack Row, Watersplash Lane, Church Road and Shotters Lane.

The part of the road known as Cranford Lane which lies between the junction of that road with the road known as High Street and the point marked F on sheet No. 2 of the deposited plans.

The part of the unnamed road leading from Church Road to the property known as Cranford Park which lies between the junction of the said unnamed road with Church Road and the point marked L on sheet No. 1 of the deposited plans.

The part of High Street which lies between the junction of High Street with Southall Lane and the point marked B on sheet No. 2 of the deposited plans.

The footpath shown on sheet No. 1 of the deposited plans as leading from the point marked H to the point marked K thereon.

PART II.

PARTS OF ROADS IN THE URBAN DISTRICT OF COULSDON AND PURLEY.

The part of the road known as Hayes Lane which lies between the points marked A and B on sheet No. 3 of the deposited plans.

The part of the road known as Waterhouse Lane which lies between the junction of that road with Hayes Lane and the point marked D on the said sheet No. 3.

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